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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,853	01/23/2004	P. Allan Meyer	1112JB.035303	8529

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EXAMINER
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ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,853

Applicant(s)

MEYER, P. ALLAN

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "53" has been used to designate both a coil spring and a lobe portion, see Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacNicol (US 1,487,586) in view of Zadanoff (US 3,437,365).

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MacNicol teaches a memorandum pad holder having a support plate (1), a plurality of cards (12), and a hinge (3) that retains each of the cards to enable the cards to be folded from one side of the hinge to another side of the hinge to display numerals, the improvement comprising:

a retaining member (11) having a periphery containing a lobe portion wherein the lobe portion overlies an edge portion of one of the cards.

MacNicol does not teach the retaining member having a periphery containing a lobe portion which is rotatable from a retaining position, wherein the lobe portion overlies an edge portion of one of the cards, to an open position, wherein the lobe portion is free of the edge portion of said one of the cards; and

a lock assembly on the retaining member that includes a threaded member that is rotatable between a locked position, preventing rotation of the retaining member while in the retaining position, and an unlocked position that allows rotation of the retaining member from the retaining to the open position.

Zadanoff teaches a retaining member/lock (11) for drawers and cabinets having a periphery containing a lobe portion (14) which is rotatable from a retaining position, wherein the lobe portion overlies an edge portion of a drawer or cabinet, to an open position, wherein the lobe portion is free of the edge portion of said drawer or cabinet; and

a lock assembly (25) on the retaining member (11) that includes a threaded member that is rotatable between a locked position, preventing rotation of the retaining

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member while in the retaining position, and an unlocked position that allows rotation of the retaining member from the retaining to the open position;

wherein the lock assembly further comprises a receptacle (26) stationarily carried by the support plate, the threaded member engaging the receptacle.

wherein the retaining member (11) is rotatable about an axis of the lock assembly threaded member (25) between the retaining and open positions;

wherein the lock assembly moves the retaining member toward the support plate while the threaded member is being rotated in one direction and away from the support plate while the threaded member is being rotated in an opposite direction to provide a safety lock which is simple and easy to operate.

Note, the locked and unlocked positions corresponds to tightening and loosening the lock assembly threaded member (25) such that the lobe portion (14) is either lock from rotating or allowed to rotate freely.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the memorandum pad holder of MacNicol to include a retaining member/lock having a periphery containing a lobe portion which is rotatable from a retaining position, wherein the lobe portion overlies an edge portion of a card, to an open position, wherein the lobe portion is free of the edge portion of said card; and

a lock assembly on the retaining member that includes a threaded member that is rotatable between a locked position, preventing rotation of the retaining member while in the retaining position, and an unlocked position that allows rotation of the retaining

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member from the retaining to the open position, as taught by Zadanoff, to provide a safety lock which is simple and easy to operate.

Note, the locked and unlocked positions of the lock assembly (25) of Zadanoff corresponds to tightening and loosening the lock assembly threaded member (25) such that the lobe portion (14) is either lock from rotating or allowed to rotate freely.

Note, for claim 2, the hole (26) of Zadanoff is disclosed as a hole, rather than a threaded receptacle however it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hole (26) into a threaded receptacle to assist in holding the lock assembly threaded member (25) in place.

### ***Allowable Subject Matter***

3. Claims 4, 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

For claims 4 and 6, the prior art does not show a display sign as recited in the independent claims and as applicable to the dependent claims which includes a support plate, cards, and hinge as recited and which includes a lock assembly with an aperture formed in the support plate and a lug on the retaining member that engages the aperture while the threaded member is the locked position and disengages from the aperture while the threaded member is in the unlocked position.

For claim 7, the prior art does not show a display sign as recited in the independent claims and as applicable to the dependent claims which includes a support plate, cards, and hinge as recited and which includes the retaining member being biased towards the support plate.

4. Claims 8-11 and 12-18 are allowed.

The following is an examiner's statement of reasons for allowance:

For claims 8-11, the prior art does not show a display sign as recited in the independent claims and as applicable to the dependent claims which includes a support plate, cards, and hinge as recited and which includes an aperture in the support plate adjacent the fastener shank, a lug on the rearward side of the retaining member for selective engagement with the aperture, and a rearward facing shoulder on the fastener shank and a coil spring encircling the fastener shank within the cavity of the retaining member.

For claims 12-18, the prior art does not show a display sign as recited in the independent claims and as applicable to the dependent claims which includes a support plate, cards, and hinge as recited and which includes an aperture in the support plate adjacent the fastener and a lug on the rearward side of the retaining member for selective engagement with the aperture to allow the locking and unlocking of the rotation of the retaining member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Auchincloss teaches a placard and holder. Pulver, Jr. teaches a changeable price sign. Sarkisian et al. teaches a display holder. Johnson teaches a window lock. Creech teaches a display. Hillstrom '054 teaches a hinge assembly for a sign having a flip display. Hillstrom '655 teaches a latch assembly for a sign having a flip display. Quackenbush teaches a convertible message sign.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.




Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal  
7/11/2005

Paul Royal  
Examiner  
Art Unit 3611



**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**